

## CASE STUDY TEMPLATE EXAMPLE - YEELIRRIE URANIUM PROJECT

### Section 2: About the Issue/Case Study

**Name of project/environmental issue:** Yeelirrie uranium project (Assessment Number: 2032 / Ministerial statement number 1053)

**Proponent/government initiative or process:** Cameco (100% owner proponent, Canadian based company and world's largest uranium company)

**Location:** Northern Goldfields / East Murchison

**Type of Assessment/Decision/Policy:** *(please highlight all that apply)*

- Not Assessed
- Assessed by Referral with Additional Information
- Assessed - Public Environment Review x
- Ministerial Approval x
- Appeal Outcome x
- License Application
- Works Approval
- Clearing Permit
- Law, Policy, Regulation, or Guidance (please name): \_\_\_\_\_
- Strategic Advice (please name): \_\_\_\_\_
- Government Strategy/Development (please name): \_\_\_\_\_
- Other (please specify): \_\_\_\_\_

### Section 3: The Environmental Issue

*(200 words)*

What is the environmental issue or problem?

- **Describe the environmental values under threat** (e.g., specific species, ecosystems, air quality, water quality).
- **What is causing the threat?** (e.g., clearing, pollution, climate change, lack of water, habitat destruction).

#### ANSWER

The Subterranean fauna survey of Yeelirrie is perhaps one of the most thorough subterranean fauna

surveys ever conducted in WA. Subterranean Ecology (the company who conducted the study) found that up to 12 species of stygofauna and troglafauna are highly endemic to the Yeelirrie calcrete zone (calcrete is the type of geology where the uranium ore is which is also the habitat for the subterranean fauna). There is no evidence they exist anywhere else in the world. The project proposal included plans to remove 100% of the habitat of the 12 species through dewatering and mining. The WA EPA assessment found that the Yeelirrie uranium mine project would most likely cause the extinction of these species<sup>1</sup>.

## Section 4: The Proposal, Process, and Outcome

*(300 words)*

### **What was the proposal, process, and outcome?**

- **Describe the threatening activity in detail** (e.g., what occurred, the extent of the impact).
- **Explain the process** (or lack of it) that allowed this activity to proceed.
- **Highlight the environmental law/policy/guideline** that enabled the negative outcome.
- **Link the issue to the areas for improvement in the Protection Agenda.**

### **ANSWER**

Cameco's Yeelirrie uranium mine proposal was assessed by the WA EPA as a Public Environment Review. The EPA assessment identified that the project would most likely cause the extinction of 12 species of subterranean fauna and was therefore inconsistent with the objectives of the EP Act<sup>2</sup>. The proponent, Cameco, appealed, but the Appeals Convenor found that the EPA's findings were likely to be correct.<sup>3</sup> The Minister for Environment agreed with the Appeals Office that the EPA's findings were

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<sup>1</sup> WA EPA Yeelirrie announcement <https://www.epa.wa.gov.au/media-statements/epa-releases-its-report-yeelirrie-uranium-project-report-1574>

<sup>2</sup> WA EPA Yeelirrie Uranium Report 1574  
[https://www.epa.wa.gov.au/sites/default/files/EPA\\_Report/Rep%201574%20Yeelirrie%20PER%20030816.pdf](https://www.epa.wa.gov.au/sites/default/files/EPA_Report/Rep%201574%20Yeelirrie%20PER%20030816.pdf)

<sup>3</sup> Appeals Report 1574 <https://appeals-system.appealsconvenor.wa.gov.au/entity/sharepointdocumentlocation/6f5acd7c-01cf-ef11-a72f-000d3a6b0f75/084cd41c-3af1-4c94-b7f2-f8480d9a5c25?file=025-044%20AC%20Report%20Final%202Dec16.pdf>

likely to be correct.<sup>4</sup> However, the Minister was able to consider other factors including employment and the economy - and approved<sup>5</sup> the mine despite the significant environmental impact.<sup>6</sup>

CCWA and three Tjiwarl women challenged the decision through the court of appeals and then the supreme court of appeals. The court case was only able to focus on whether the Minister had made an administrative error in the decision; their case was dismissed on both occasions finding no administrative error.<sup>7</sup> The case was not able to consider whether the decision was a good or correct decision inline with our environmental laws because there are no provisions in our environmental laws to review decisions on their merits. Currently, there is no legal avenue to prevent the Minister from approving projects that may cause extinction in WA.

The project has not been developed and, having failed to meet the 5 year deadline to substantially commence the project, is now unable to develop the project without significant re-evaluation by the WA government<sup>8</sup>. The proponent cited economic conditions for their decision not to advance the project. This raises questions about how the Minister could determine the project should be approved on economic and jobs grounds - where there is clear evidence the project was not economically viable and there has subsequently been no boost to WA's jobs market.

## Section 5: Recommendations

*(200 words)*

What changes to environmental laws or policies could have led to a better outcome?

- Refer to **1-2 specific recommendations** from the "Protection Agenda for Nature" and explain how they could have improved the outcome or prevented harm.
- Provide practical suggestions or examples of how these recommendations can be implemented.

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<sup>4</sup> Ministers Appeal Determination [https://appeals-system.appealsconvenor.wa.gov.au/entity/sharepointdocumentlocation/6f5acd7c-01cf-ef11-a72f-000d3a6b0f75/084cd41c-3af1-4c94-b7f2-f8480d9a5c25?file=025-044-16%20Ministers%20Appeal%20Determination\\_%2014Dec%202016.PDF](https://appeals-system.appealsconvenor.wa.gov.au/entity/sharepointdocumentlocation/6f5acd7c-01cf-ef11-a72f-000d3a6b0f75/084cd41c-3af1-4c94-b7f2-f8480d9a5c25?file=025-044-16%20Ministers%20Appeal%20Determination_%2014Dec%202016.PDF)

<sup>5</sup> Statement that a proposal may be implemented - Yeelirrie Approval 1503 - [https://www.epa.wa.gov.au/sites/default/files/Ministerial\\_Statement/Statement%20No%20%201053\\_0.pdf](https://www.epa.wa.gov.au/sites/default/files/Ministerial_Statement/Statement%20No%20%201053_0.pdf)

<sup>6</sup> Minister Media Release - Approval Yeelirrie <https://www.wa.gov.au/government/media-statements/Barnett%20Liberal%20National%20Government/Approval-for-Yeelirrie-uranium-project-20170116>

<sup>7</sup> Supreme Court of West Australia - Article on Yeelirrie <https://jade.io/article/656700>

<sup>8</sup> ABC Article April 2022 - Cameco Corp still set on WA uranium mine, despite government knockback, Indigenous opposition <https://www.abc.net.au/news/2022-04-14/wa-uranium-mine-cameco-yeelirre-project-reece-whitby/100991146>

## **ANSWER**

The assessment of Yeelirrie identified that the project would have significant environmental impact and likely cause the extinction of 12 species. The Minister was able to approve the mine despite the significance of the impact and all evidence suggesting the mine would cause extinction. There was no mechanism to review the merits of the decision and whether the environmental outcome was consistent with the objectives of the Environmental Protection Act. WA's legal system fails to prevent the approval of projects that could cause extinction. A merits based review mechanism could enable a court review of decisions to ensure consistency with our environmental laws.